IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO.15 OF 2002

Office Notes, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

Mr. M. S. Sonak and Ms Amira Razaq, Advocates for the Petitioners.

Mr. V.P. Thali, Addl. Advocate General, with Ms S. Linhares, Addl. Government Advocate, for the Respondents.

CORAM : P.V. KAKADE &
P.V. HARDAS,JJ.

DATE: September 30, 2002.

P.C.:

In this matter, this Court passed Order dated 30th April, 2002 wherein it was observed that the Respondent State Government was seeking further time to file Affidavit and last opportunity to file Affidavit, if any, was granted with direction to provide copy to the Petitioner to be served two weeks in advance. The matter was to come up in the week

commencing from 10th June, 2002. The matter was fixed high on Board. The record of the proceedings also shows that even prior to 30th April, 2002, several opportunities were given to the Respondent State Government to file Affidavit. The learned Additional Advocate General Mr. Thali initially made submission that he will provide copy of the Affidavit to the Petitioner on Monday. Thereafter, he made further statement that the Affidavit was ready, but it was not either served on the Petitioner or presented to the Court. The reasons are best known to himself.

2. The entire incident shows the negligence on the part of the learned Additional Advocate General and also the manner in which the Court

orders are callously treated and, therefore, in our considered view, the time has come to enforce judicial discipline in such procedural aspects especially when it comes to the question of following Orders passed by the Court scrupulously. In view of this position, it is hereby directed that the copy of the Affidavit be allowed to be served on the Petitioner on coming Monday,and to the Court when the matter is fixed hereafter, on condition that the fine amount of Rs.20,000/- shall be imposed on the State Government for such repeated lapse on the part of the learned Additional Advocate General.

We are aware of the fact that the fine imposed on the State Government is ultimately

the fine imposed on the tax-payers. However, the authorities who make the appointment of such Court Officers should realise that it is high time for re-thinking of the process.

3. We may further observe that we have taken this step with a purpose. It is always undesirable for any advocate to mislead the Court and disobey the orders of the Court, but it is still worse when it comes from learned Additional Advocate General, (though he is not a Constitutional functionary) because Advocate General and Additional Advocate General are supposed to lead the members of the Bar in general, Thus, let this incident serve as a lesson to all concerned who indulge in such manner while dealing with

Courts.

Authenticated copy to be allowed.

Copies of this Order to be referred to:

i) The Chief Secretary
Govt. of Goa,
Panaji.

ii) The Advocate General,
Govt. of Goa,
Panaji,

for information.

P.V. KAKADE,J.

P.V. HARDAS,J.

ac.